

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

MARSHALL PETTY,

Plaintiff,

v.

ILLINOIS DEPARTMENT
CORRECTIONS, et al.,

Defendants.

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Case No. 3:13-cv-792-GPM-DGW

ORDER

WILKERSON, Magistrate Judge:

This matter is before the Court on the Amended Motion for Medical Subpoena and “Motion for Dispositive” filed by Plaintiff, Marshall Petty, on October 18, 2013 (Docs. 44 and 45).

Both Motions are **DENIED WITHOUT PREJUDICE**.

In these motions, Plaintiff seeks his medical records, appears to request medical care (although the injuries described and care sought appear to be the same as what is contained in his Complaint), states that he has contacted legal organizations seeking representation, and appears to explain how he exhausted his administrative remedies.

As to the medical records, this Court has informed Plaintiff that no discovery will take place in this case on his underlying claims until the issue of whether he has exhausted his administrative remedies has been determined. As such, this Court will not compel production of these medical documents at this time. However, if Plaintiff seeks copies of his grievances or other documents that are related to the issue of exhaustion of administrative remedies, he should serve discovery requests upon Defendants.

As to medical care, Plaintiff should direct any requests for medical care to medical

personnel at the Lawrence Correctional Center.

As to the attempts to find counsel, Plaintiff was informed in a previous order that he should file another motion for recruitment of counsel detailing his attempts to find counsel. This Court would add, however, that recruitment of counsel will be *sua sponte* considered by the Court after the evidentiary hearing set for January 29, 2014.

Finally, if and when Defendants file a Motion for Summary Judgment related to the issue of exhaustion of administrative remedies, Plaintiff should file a response that would set forth his arguments and which should contain any documents that he wants the Court to consider.

In light of the foregoing, the Motions are **DENIED WITHOUT PREJUDICE.**

IT IS SO ORDERED.

DATED: October 29, 2013

DONALD G. WILKERSON
United States Magistrate Judge